

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, APRIL 15, 2003

Chair Mathewson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Parsons, Gibson, Frautschi, Torre, Dickenson, Long

Absent, Commissioners: None

Present, Staff Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Zoning Technician Froelich (ZT), City Attorney Savaree (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. Minutes of March 18, 2003

MOTION: By Commissioner Frautschi, seconded by Commissioner Torre to approve the Minutes of March 18, 2003.

Motion passed 7/0.

5. PUBLIC HEARINGS:

Chair Mathewson recused himself from item 5A as he lives within 300 feet of the property.

5A. PUBLIC HEARING – 2020 Mezes Avenue

To consider a Single Family Design Review to reconfigure existing interior rooms and enlarge the existing 2,502 square foot residence by 499 square feet for a total of 3,001 square feet in a zoning district that permits 3,500 square feet. (Appl. 03-0001)

Zoned: R-1B (Single Family Residential)

APN: 044-061-040

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Owner: Greg and Lauren Boro

Applicant: James Miller

PP de Melo summarized the staff report, and was available for questions.

C Torre asked if the applicant considered expanding the dining room out to the second roof line? Jim Miller, Architect for the project, stated that his clients considered all variants of expanding the dining room. His

clients felt that by only partially extending the dining room, it would be more in keeping with the current architecture. It would not subsume some of the large timbering work that supports the porch roof. His clients expressed a desire to keep a small covered porch out in front of the dining area and wanted to maintain a portion of the existing covered porch as is.

C Frautschi commented that the rear patio is out of line with the rest of the home. Mr. Miller stated that there is a covered patio at the rear of the property that encroaches further into the setback than most of the existing structure. He is removing that intrusion. The new addition will be in line with the bulk of the existing structure. It will be set back approximately 6 inches so as to make an architectural definition to a secondary cross gable that is being constructed at the rear of the property. This will book end the house and provide clarity.

C Long asked the architect if the house, as it stood today, would qualify for inclusion in the National Historic Registry, should the owner desire to apply. Mr. Miller replied that he had no expertise in determining whether the house qualified for that designation.

C Torre inquired regarding the dormer at the back of the home, and asked if this is the only roof line slope that is not going to be steep pitched? Jim Miller replied the existing house has a gable that is not the typical steep roof pitch. They will be covering this gable up by erecting a cross gable that mimics the existing steeper pitched front gable. There will be some existing roof slopes on the house that are low sloped. He stated that is what is referred to as the connector roof that connects the existing front cross gable with the new rear cross gable.

Mr. Miller replied to C Frautschi's question, that the roof will remain shake shingles.

C Long asked the architect if the Belmont Historical Society had been apprised of the changes being made to this Historic home? Mr. Miller stated he was not aware of it.

Neighbor Jan Hughes at 2027 Mezes, stated that he supports the project and urged the Commission to approve the design.

MOTION: By Commissioner Parsons, seconded by Commissioner Dickenson, to close the public hearing. Motion Passed.

C Long stated his concern that the current codes do not address this property properly. He felt this was a great project, however he stated that the codes for Historic Structures, in the Design Review process, should have higher hurdles with perhaps lower hurdles for other existing restrictions.

C Frautschi stated that it was a sensitive design that considered the existing structure and felt they did a good job of incorporating the additional space.

C Torre felt the criteria A, B & C have been met and that this project should be approved.

VC Gibson stated that there are two sides to this issue. Although he agreed in part with C Long, he also felt that by purchasing Historical property and by taking good care of it, you lose some of your rights. He felt that it was a balancing act with historical structures. He did not feel there was an issue with this project and stated that it was thought out very sensitively..

MOTION: By Commissioner Parsons, seconded by Commissioner Torre, to adopt the Resolution approving a Single-Family Design Review at 2020 Mezes Avenue.

Ayes: Parsons, Torre, Gibson, Frautschi, Dickenson, Long,

Noes: None

Absent: None

Recused: Mathewson

Motion passed 6/0/1

VC Gibson noted that this item may be appealed to the City Council within ten days.

5B. PUBLIC HEARING – 2930 San Juan Boulevard

To consider a Single Family Design Review to reconfigure existing interior rooms and enlarge the existing 1,653 square foot residence by 777 square feet for a total of 2,430 square feet in a zoning district that permits a maximum floor area of 3,371 square feet for the subject site. (Appl. 03-0006)

Zoned: R-1B (Single Family Residential)

APN: 043-173-130

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Owner: Brian Matthews and Adria Cheng

Applicant: David Upchurch

PP de Melo summarized the staff report and was available for questions.

C. Torre requested inserting the words "Three to one" in front of the words "replacement plantings" in Planning Division Condition L. (I.e., Oak # 2 shall not be removed without approval by Planning Commission action or the City Arborist. Three to one replacement plantings shall be required to be installed as a condition of approval for removing this tree.)

PP de Melo stated that that wording would be acceptable by staff.

Applicant, David Upchurch was available for questions.

C Long asked what type of roof material would be used. Mr. Upchurch replied that they would use a brand of Elk ProTek, a 40-50-year high-profile composition shingle with texture and character.

Chair Mathewson wanted to point out a possible drainage problem behind the garage roof, on the upper wall. He stated there is a potential for the water to force itself inside the flashing.

MOTION: By Commissioner Parsons, Seconded by Commissioner Dickenson to close the Public

Hearing. Motion Passed.

C Frautschi commented that he would support the removal of the parking pad. He did feel that the driveway was very steep, and it would be a safety issue for the owner to back down the driveway and out into the street. However, since that was not part of the application, he stated that the design was fine as it appeared.

C Gibson stated that the owners currently have to back down the driveway. They are unable to turn around as it is.

MOTION: By Commissioner Frautschi, seconded by Commissioner Parsons, to adopt the Resolution approving a Single-Family Design Review at 2930 San Juan Boulevard, with the Amendment to Condition "L".

Ayes: Frautschi, Parsons, Dickenson, Gibson, Long, Torre, Mathewson,

Noes: None

Absent: None

Motion Passed 7/0

C Mathewson noted that this item may be appealed to the City Council within ten days.

5C. PUBLIC HEARING – 1512 Pine Knoll Drive

To consider a Single Family Design Review and Tree Removal Permit to reconfigure and enlarge the existing 2,013 square foot residence by 1,113 square feet for a total of 3,126 square feet in a zoning district that permits a maximum floor area of 3,409 square feet for the subject site. (Appl. 03-0015)

Zoned: R-1B (Single Family Residential)

APN: 044-342-440

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Owner: John and Janet Dineen

Applicant: Frank Garcia

ZT Froelich summarized the staff report and was available for questions.

C Frautschi stated that the architectural plans refer to the existing garage as a two-car garage whereas the staff report refers to it as a one-car garage. ZT Froelich confirmed that the interior of a two-car garage is defined as 20' x 20' and the present garage is 17½', so that technically it is a one-car garage.

C Gibson asked if the Arborist takes into account the fire hazard that would be imposed by the tree being so close to the structure. PP de Melo responded that the arborist's charge is to make sure that trees survive, but that the Fire Department would address fire hazards such as the clearance of brush in the conditions of approval. CDD Ewing added that oak trees are a hard wood tree and very slow to burn, but if it were a eucalyptus or gum tree they probably would have a different opinion about the proximity of that tree, and if the Fire Department were ever to look more closely at landscaping near houses due to long-term drought conditions, their requirements could almost be antithetical to the values of this community with regard to vegetation and landscaping.

C Frautschi asked for clarification regarding the length of time the arborist would be inspecting the tree to determine if it is damaged and has to be removed. PP de Melo replied that the arborist will perform inspections throughout the course of the construction and that, in terms of signing off on the long-term health of the tree, he is very strict and would likely err on the side of being conservative. CDD Ewing added that a tree left in its original location, if it has not had pavement added around it or irrigation circumstances altered, usually has a good chance for continued survival if it comes through construction with no visible damage.

C Frautschi asked for clarification of the number of bedrooms in the home. ZT Froelich replied that the family room has a closet but the room is not considered a bedroom due to its configuration related to other rooms on this level. Even if it were counted as a bedroom, it would not affect the parking since today's code requires that two bedrooms be added. It is a four-bedroom house with a one-car garage.

Chair Mathewson asked what will be required of the applicant regarding non-permitted work that may have been done on the house and a potential second unit downstairs. PP de Melo responded that, prior to issuing

any building permits, staff will assure that any illegal construction will be carried through in the building permit plan check process, and that while the applicant is proposing additions, he believes they also desire to clean up any illegalities that may have been done previous to their ownership.

Frank Garcia, architect, thanked ZT Froelich for his professionalism and dedicated support with the project, and shared the supporting signatures obtained from their March 7th neighborhood outreach program. He stated that the proposed improvements consist of reconfiguring the upstairs area while legalizing the construction that took place in the past below, and stressed that they want the oak tree to live and are doing everything possible to save it.

MOTION: By Commissioner Frautschi, Seconded by Commissioner Parsons to close the Public Hearing. Motion Passed.

MOTION: By Commissioner Parsons, Seconded by Commissioner Gibson to adopt the Resolution approving the Single-Family Design Review and Tree Removal Permit at 1512 Pine Knoll Drive, with the conditions as attached.

Ayes: Parsons, Gibson, Dickenson, Long, Frautschi, Torre, Mathewson

Noes: None

Absent: None

Motion passed 7/0

Chair Mathewson noted that this item may be appealed to the City Council within ten days.

Chair Mathewson called for a recess at 8:02 p.m. Meeting resumed at 8:07 p.m.

6. OLD BUSINESS

6A. Single-Family Design Review – Study Session (Continued from 3/4/03 P/C Mtg.)

CDD Ewing elaborated on his cover memo for the draft revised ordinance, reviewing the listed five general areas that seemed to cover most of the points raised by the Commission at their March 4th study session, and responded to other issues raised at that meeting.

C Frautschi asked what would trigger a landscape plan. CDD Ewing responded that if there is an addition that requires Planning Commission review, staff wants to see a landscape plan, even if it consists of notes on the site plan that there is no change to landscaping. If the Commission wants to use single-family design review to require re-landscaping the Commission needs to state that so that applicants are notified that they may be required to re-landscape. C Frautschi stated that he would use the word "enhance" rather than "re-landscape," referring to past projects where the Commission asked for screening of an underfloor area or a retaining wall. CDD Ewing responded that screening is different policy from re-landscaping of a front yard that the Commission felt could use improvement. The Commission can establish a particular objective for screening of a designated area. CDD Ewing agreed to bring back language on this topic for the Commission's review.

Chair Mathewson asked CDD Ewing to comment on the grading issue that had previously been raised by C Parsons. CDD Ewing stated that there was at one time consideration given to lowering the threshold for Planning Commission review of grading projects that was rejected, but that the Commission could recommend that this topic be revisited.

Discussion on the draft ordinance was as follows:

C Gibson:

Asked for numbers on the burden that accompanies a Planning Commission hearing in terms of the fees or the delay. CDD Ewing responded that it is 2-4 weeks for the processing, because an administrative hearing could be scheduled immediately after the application was deemed complete, whereas there are backlogs and scheduling issues around staffing levels to get an item to the Commission. He added that public noticing costs are the same but he did not have specific numbers on costs. He added that the threshold is set such that projects for administrative hearings are where there is less likely to be a bulk review or privacy issue and the Commission gets the tough ones. C. Parsons interjected that the issue is that Commissioners are residents of Belmont and are appointed by the Council, and theoretically reflect the values of their neighbors.

Regarding solar calculations, he asked if there is any alternative to a computer model that would be objective and solid. CDD Ewing was not aware of any other than whatever was done to analyze these things before computers, which was probably a lot of hand calculations. C Parsons noted that, in addition to a computer model, one applicant took photographs over a six-month period to show that the sun didn't affect it at different times of the day.

He asked if there is any way to put the burden on the person that complains. CDD Ewing replied "no," because then you're giving power to a third party who may not want to cooperate.

For clarity, he suggested changing the wording "buildings are arranged to preserve solar access from adjacent properties" to say "buildings are arranged to preserve adjacent properties' solar access."

He thanked CDD Ewing for providing a document that is rational, organized, sensible and contains good grammar.

C Parsons:

Is concerned that a project with 500 cubic yards of combined cut and fill for a 400 sq.ft. addition and possibly 5,999 sq.ft. of disturbed area could fall within the review of the Director for administrative review. He suggested that the grading should be tightened up in that particular case because that would be as large as many lots in Belmont. He felt that additions of 1000 square feet where houses of 3500 square feet are allowed are a pretty large percentage of the original house and become a significant impact on the site. He believes that there might be a midway point between 400 and 1000 square feet that makes sense, at least as a starting point. CDD Ewing plans to review the City's experience to see how many projects actually fell into that group, and provide the addresses so the Commission could determine if they are the kinds of projects Commissioners would be willing to give up to an administrative hearing process. He also suggested the possibility of an administrative hearing process where one designated Commissioner sat in on the process.

C Torre:

Is concerned that, although one of the purposes in rewriting the Single Family Design Review was supposedly to simplify, the extensive findings and changes proposed seem to add more hurdles and allow more discretion to the city, which she doesn't think was the intent. She is concerned that Belmont already has a reputation as a difficult city in which to make improvements to your home, and she doesn't want to add to that perception.

- Thinks that some of the proposed language (e.g., item #3 related to grading) amounts to an extension of authority, and if such an extension is proposed we should be very clear when we forward a proposal to the Council that we are recommending an extension of authority under design review.

- Regarding item 6, thinks that a Belmont residential design guideline with pictures to demonstrate what is required could be really useful. However, she is uncomfortable signing off on finding 6 without seeing the definitions of the principles listed. She is concerned about vagueness.

- If there is going to be a requirement for a landscape plan as a condition of design review, thinks there should be an option for people to come back at a later date for the landscape design review, since people go at projects in stages.

▪Is concerned that it may be impossible to meet all of the findings simultaneously because some project aspects may be in conflict (e.g., minimize grading and maximize tree protection) and the wording proposed does not say "achieve a good balance between these objectives" but rather says that each objective must be either minimized or maximized to the greatest extent possible. She would be more comfortable with an acknowledgement that the design needs to take account of these objectives and that balancing of the principles is necessary. She is concerned that as written, each finding seems to be an absolute, and if each finding needs to be made for approval, given the topography of Belmont, few projects would be approved.

CDD Ewing said that what's implied here is that there's really a balancing act among often competing objectives going on at a particular site and the City needs to examine whether the Applicant did the right balancing of all these issues. He posed the question as to whether it would be better to have a single finding that required the balancing of a variety of issues rather than 10 separate findings.

C. Parsons said he would rather have issues addressed separately so they are identified clearly for applicants and they know what is being looked for in design review. But he suggested putting words up front, maybe in the preamble or purpose section, that these issues are what the applicant should take account of and these are the principles we have to balance.

C. Torre said this would address her concern that some balancing of objectives may be required and needs to be acknowledged in the statute.

C Frautschi:

Feels that the findings are merely tools, they are serviceable but do not always say what he needs to say. He can see the value of the architectural design component, but would hate to have an applicant think that since the City has increased its standards the applicant will have to do the same. It still needs refining.

Has problem increasing the administrative review threshold to 1000 sq.ft. Feels the increased time required is a trade-off for having it reviewed by the applicant's peers. Feels that a better product comes out of this process.

C Torre:

Regarding administrative review, she is comfortable with delegating more to a staff level – they have to meet the same findings. Could support concept that if, for example, four criteria were true, such as amount of grading, coverage of lot related to percentage of the house, then it would be an administrative review. She believes there will be very few first floor additions up to 1,000 sq.ft., and would have no problem raising the level to 800 or 1000 sq.ft. with the addition of the other items. She feels the Commission should try to let go a little for the business efficiency of Belmont.

C Parsons:

Wanted to clarify that his reluctance about the administrative review at 1000 sq.ft. is not in any way intended to demean the capability of staff. He thinks they are very, very qualified and provide good reports all the time. He feels that when staff is guiding the applicant through the process they may be too close to the project and the Commission coming in cold can look at it from a slightly different perspective. He liked CDD Ewing's idea of having a Commissioner sit in on an administrative review.

C Long:

Commented that, while he had some opinions here and there, he did not really feel comfortable yet that they have the right grounding. In general, he agreed with almost everything that had been said. He likes the idea of balance, and also of making things simple and clear.

C Dickenson:

Regarding the solar domain or solar access, he commented that the scope can be very large and scaled down – it's just a matter of loading a CAD file into a computer model that will analyze it. He feels it would be pretty easy to make a few phone calls to engineering or architectural firms and try to plug in a model and a triggering number. He feels this should be looked at in the design review process for the future and not just short term.

Chair Mathewson:

One Commissioner had mentioned to him that to achieve whatever balance it is we're trying to achieve, perhaps a matrix-driven type development might work and he would hope that person would discuss it further at a later date.

Regarding the AIA meeting, it looked as if Belmont came off the worst for the most amount of time taken and the most expensive projects, but had doubts about the accuracy of some of the data from the other cities.

He likes the architectural principle idea and agreed with C Torre that we do not want to create something that ends up with unintended consequences.

He is not uncomfortable with the phrase "strengthens the identity and character of the neighborhood" in the Purpose section.

He is not convinced that administrative hearings are a good idea, especially if they are called in the middle of the day when neighbors might be working.

He felt the idea of having one or two Commissioners holding a hearing could be a workable idea because it keeps the process separated from staff.

He is not convinced about increasing the square footage, but he is willing to be convinced.

7. REPORTS, STUDIES, UPDATES AND COMMENTS

C Parsons asked staff to investigate what color was approved for the house on Terrace that is in *Architectural Digest*. CDD Ewing will look at it and confer with the City Attorney if it is different than what was approved.

C Dickenson asked that a study session be scheduled that would take the Commission through the design review process from the applicant's point of view. CDD Ewing agreed that they could revisit a power point presentation that he had prepared a year or so ago, adding that it could be useful as an educational tool for new Commissioners and also a way to take a second look at how things are done.

Chair Mathewson stated that he had been asked to pursue the possibility of holding Commission meetings at an earlier hour. There was not a consensus among the Commission to agendaize this suggestion.

Chair Mathewson asked staff to elaborate on an item in the current Open Service Request report regarding traffic issues at Charles Armstrong School. CDD Ewing stated that it was due to a complaint by a neighbor, and that there will be an application for additional structures at the site which will result in the Commission revisiting the traffic issues.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY,

April 22, 2003.

Liaison: Commissioner Gibson

Alternate Liaison: Commissioner Frautschi

9. ADJOURNMENT:

The meeting adjourned at 9:30 p.m. to a regular meeting on Tuesday, May 6, 2003 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.